

REMARKS

[01] Amendment to Claim 8

[02] Claim 8 has been amended to make two points clearer: 1) the centrifugation axis and the agitation axis are distinct; and 2) the centrifugal force that is greater than 1G is produced by rotation about the centrifugation axis. No new matter has been added.

[03] Robbins

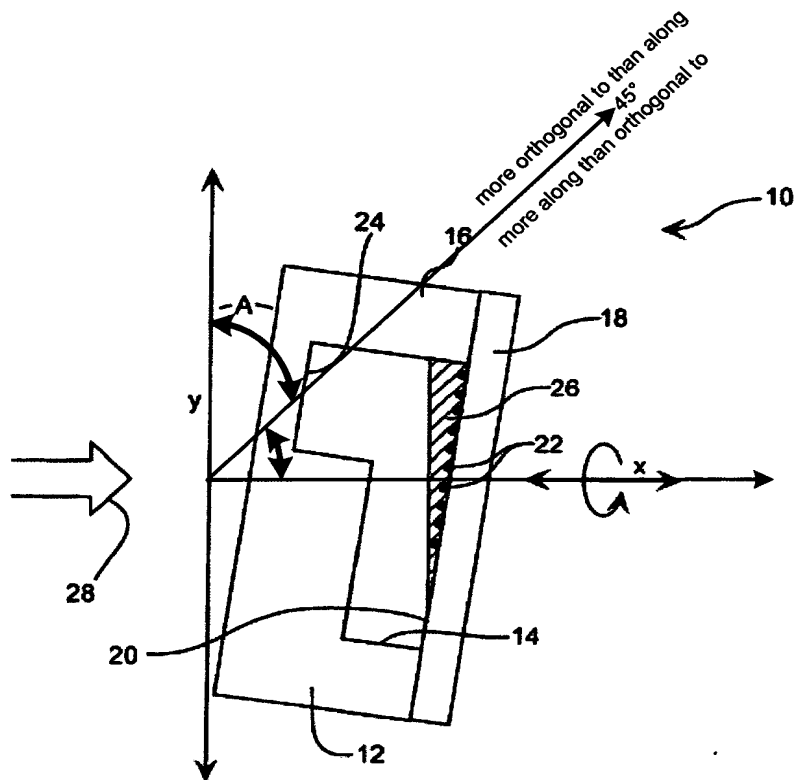
[04] Robbins fails to anticipate the invention for at least two reasons: 1) Robbins discloses only one axis of rotation rather than two distinct axes of rotation; and 2) Robbins does not disclose that rotation about a centrifugation axis produces a centrifugal force greater than 1G.

[05] Robbins discloses “rotisserie” rotation only. This motion is used (in conjunction with the tilted orientation of the sample tubes and gravity) for agitation. Of course, some centrifugal force is generated orthogonal to the rotisserie axis, but use is disclosed for this centrifugal force. The term “rotisserie” suggests the centrifugal force is less than 1G, and nothing in Robbins suggests a centrifugal force greater than 1G. Thus, Robbins does not anticipate the present invention.

[06] Smith (Anticipation and Double-Patenting)

[07] Smith fails to anticipate the present invention because Smith does not disclose an agitation axis more orthogonal to than along to a centrifugal force generated by rotation about a distinct centrifugation axis.

[08] Applicants suspect that the Examiner is reading the phrase “more orthogonal than along” too broadly. This phrase implies that an acute angle defined by a centrifugal force vector and an agitation axis is greater than 45° as indicated in the modified version of Smith, FIG. 3, below.

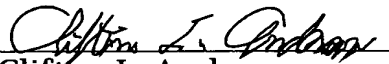


[09] Clearly, the angle between centrifugal force vector 28 and agitation axis x is less than 45° . Hence, Smith does not anticipate the present invention. Correspondingly, the double-patenting rejection based on Smith fails.

[10] CONCLUSION

[11] Based on the foregoing, it is clear that neither reference relied upon in the Office Action discloses an agitation axis more orthogonal to than along a centrifugal force, a limitation included in all pending claims. For this reason, and other reasons stated above and in earlier remarks (incorporated herein by reference), the outstanding rejections are in error. Accordingly, it is respectfully submitted that the application is in condition for allowance, which allowance is respectfully requested.

Respectfully submitted


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